

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
NATIONAL RAILROAD PASSENGER CORP.,

Case No. 07 CV 6288

Plaintiff,

-against-

**ANSWER TO CROSS-CLAIM  
OF TRANSPORTATION  
RESOURCES, INC.**

T.C. JOHNSON COMPANY, TRANSPORTATION  
RESOURCES INC., MITCHELL EQUIPMENT  
CORPORATION, TEREX CORPORATION, KOEHRING  
CRANES, INC. d/b/a TEREX CRANES WAVERLY, and  
TEREX CRANES, INC.,

Defendants.

----- X  
  
Defendant, MITCHELL EQUIPMENT CORPORATION, by and through its attorneys  
Wilson, Elser, Moskowitz, Edelman & Dicker LLP, as and for its Answer to the Cross Claim,  
alleges upon information and belief as follows:

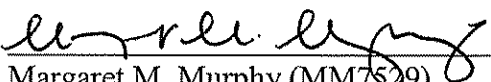
1. MITCHELL EQUIPMENT CORPORATION denies each and every allegation  
contained in paragraphs "299" and "300" of TRANSPORTATION RESOURCES, INC.'s cross  
claim alleged as against MITCHELL EQUIPMENT CORP. and respectfully refers all questions  
of law to this Honorable Court.

**WHEREFORE**, the defendant, MITCHELL EQUIPMENT CORPORATION, demands judgment dismissing the cross claim of TRANSPORTATION RESOURCES, INC. together with attorneys' fees, costs and disbursements of this action.

Dated: New York, New York  
September 4, 2007

Yours, etc.

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

By:   
Margaret M. Murphy (MM7529)  
Attorneys for Defendant  
MITCHELL EQUIPMENT  
CORPORATION  
150 East 42nd Street  
New York, New York 10017-5639  
(212) 490-3000  
File No. 06294.00238

TO:

LANDMAN CORSI BALLAINE & FORD P.C.  
120 Broadway, 27<sup>th</sup> Floor  
New York, NY 10271-0079

SEDGWICK, DETERT, MORAN & ARNOLD, LLP  
125 Broad Street  
New York, NY 10271

GALLAGHER, WALKER, BIANCO & PLASTARAS, ESQ.  
98 Willis Avenue  
Mineola, New York 11501

**AFFIDAVIT OF SERVICE**

STATE OF NEW YORK    )  
                                  ) ss.:  
COUNTY OF NEW YORK)

Selina Hughes, being duly sworn, deposes, and says: that deponent is not a party to the action, is over 18 years of age and resides in New York County.

That on the 4th day of September, 2007 deponent served the within ***DEFENDANT MITCHELL EQUIPMENT CORPORATION's ANSWER TO CROSS-CLAIM OF TRANSPORTATION RESOURCES, INC.*** upon:

LANDMAN CORSI BALLAINE & FORD P.C.  
120 Broadway, 27th Floor  
New York, NY 10271-0079

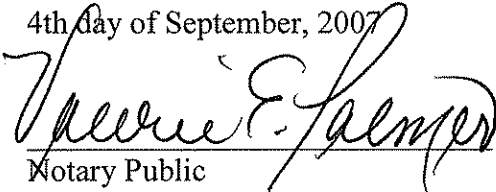
SEDGWICK, DETERT, MORAN & ARNOLD, LLP  
125 Broad Street  
New York, NY 10271

GALLAGHER, WALKER, BIANCO & PLASTARAS, ESQ.  
98 Willis Avenue  
Mineola, New York 11501  
Attention: Robert J. Walker, Esq.

at the addresses designated by said attorney(s) for that purpose by depositing a true copy of same enclosed in a postpaid, properly addressed wrapper, in an official depository under the exclusive care and custody of the United States Post Office within the State of New York.

  
\_\_\_\_\_  
Selina Hughes

Sworn to before me this  
4th day of September, 2007

  
\_\_\_\_\_  
Notary Public

VALERIE E. PALMER  
Notary Public, State of New York  
No. 01PA5050729  
Qualified in Bronx County  
Commission Expires Oct. 16, 2009